

Message Text

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ACTION EB-07

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FOR EB/IFD/BP - WINTER AND PATENT OFFICE - M. KIRK

E.O. 11652: NA
TAGS: WIPO, EINV
SUBJ: WIPO - NICE DIPLOMATIC CONFERENCE - TERRITORIAL CLAUSE

REF: A. GENEVA 3372, B. STATE 102669, C. GENEVA 3522

1. AS REPORTED IN REFTEL C, NICE CONFERENCE MAY 9 VOTED 14 TO 5 (USSR, HUNGARY, CZECHOSLOVAKIA, ALGERIA, TUNISIA) TO ACCEPT UK PROPOSAL TO RE-INSERT IN TREATY OLD ARTICLE 14 - TERRITORIAL CLAUSE. PROVISIO ADDED THAT ANY SUBSEQUENT CHANGE IN PARIS ARTICLE 24 WOULD ALSO APPLY TO NICE. US DID NOT SPEAK, BUT PER INSTRUCTIONS REF A VOTED FOR UK PROPOSAL.

2. WIPO DG BOGSCH EXPRESSED MORNING MAY 10 CONCERN OVER US VOTE. HE FELT THAT IT WAS BAD FOR THE US IMAGE. BOGSCH ADDED THAT GROUP B SOLIDARITY EXHIBITED ON THIS MATTER WOULD ONLY DRIVE LDCS AND SOCIALISTS TOGETHER ON REVISION OF PARIS CONVENTION MATTERS, SOMETHING THAT HAS

HERETOFOR NOT HAPPENED. BOGSCH URGED THAT DURING THE FINAL ARTICLE BY ARTICLE REVIEW OF THE TREATY MAY 12, IF TERRITORIAL CLAUSE IS PUT TO A

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VOTE AGAIN, WE SHOULD AT LEAST ABSTAIN.

3. GIVEN SMALL NUMBER OF LDCS WHO ARE PARTY TO THE NICE AGREEMENT AND BREVITY OF DISCUSSION OF TERRITORIAL ISSUE WE DO NOT SHARE DG'S CONCERN EXPRESSED IN PARA 1 ESPECIALLY AS LANGUAGE QUESTION HAS NOW BEEN RESOLVED SUCCESSFULLY. (SEE SEPTTEL). WE UNDERSTAND SOVIETS

WILL PROBABLY ASK THAT PROVISIO IN PARA 1 ABOVE CLEARLY
STATE THAT BOTH FUTURE CHANGES IN OR DELETION OF
PARIS ARTICLE 24 APPLY TO NICE.

4. IN PREPARATION FOR FUTURE REVISION OF PARIS CON-
VENTION MEETINGS, WASHINGTON SHOULD BE AWARE THAT
DUTCH INTRODUCED TERRITORIAL CLAUSE DRAFT WHICH IS
QUITE DIFFERENT FROM EXISTING VERSION. DUTCH CONTENTED
THAT THIS DRAFT IS INTENDED TO COVER SITUATION SUCH AS THEIR
RELATIONSHIP WITH THE DUTCH ANTILLES. PROPOSAL WAS
WITHDRAWN PRIOR TO MAY 9 VOTE WHEN FRANCE IN AN EC
COORDINATION MEETING SAID THAT THEY COULD NOT ACCEPT
IT. DUTCH INDICATED TO US PRIVATELY THAT THEY WILL
INTRODUCE TEXT AT APPROPRIATE TIME IN ONE OF THE FUTURE
PARIS CONVENTION REVISION MEETINGS AND THEREFORE WE
SHOULD HAVE POSITION ON IT BY THAT TIME. FOLLOWING IS
TEXT OF DUTCH PROPOSAL: QUOTE: IF A COUNTRY OF THE
SPECIAL UNION HAS TWO OR MORE TERRITORIAL UNITS WHICH
HAVE THEIR OWN RULES OF LAW IN RESPECT OF THE PROTECTION
OF INDUSTRIAL PROPERTY, IT MAY AT THE TIME OF SIGNATURE,
RATIFICATION OR ACCESSION, DECLARE THAT THIS AGREEMENT
SHALL EXTEND TO ALL ITS TERRITORIAL UNITS OR ONLY TO
ONE OR MORE OF THEM, AND MAY MODIFY ITS DECLARATION BY
SUBMITTING ANOTHER DECLARATION AT ANY TIME. UNQUOTE.SORENSEN

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